IN THE HIGH COURT OF BOMBAY AT GOA

P.I.L.WRIT PETITION NO. 332 OF 1999

Shri Pralhad Shanu Pai,
resident of Mokhard,
Canacona, Goa. ... Petitioner.

versus

1. Government of Goa,
   through Revenue Secretary,
   Secretariat, Panaji, Goa.

2. Administrator of Communidade
   of South Zone, Margao, Goa.

3. Dr. Giblo M. Gaunkar,
   Calvodem, Canacona, Goa. ... Respondents.

Mr. Arun Bras de Sa, Advocate for the Petitioner.

Mrs. Winnie Coutinho, Government Advocate for Respondent No.1.

Mr. C. A. Coutinho, Advocate for Respondent No.2.

Mr. Sudin Usgaonkar, Advocate for Respondent No.3.

CORAM: F. I. REBELLO &
P. V. HARDAS,JJ.

DATED: 18TH JUNE, 2003.

ORAL JUDGMENT(PER F.I.REBELLO,J.)

This Petition was treated as a Public Interest Litigation. The contention of the Petitioner

was that Respondent No.3 to the Petition has encroached on the land belonging to the Communidade of Canacona and that neither the second Respondent or the first Respondent nor the Communidade were taking any action in the matter.

2. The Administrator of Communidades South Zone, Margao, Goa, filed an Affidavit before this Court which is dated 6th March, 2000. From the Affidavtit, we find that Respondent No.3 had filed a suit which is Regular Civil Suit No.49/82 against the Administrator, Respondent No.2. Mr. C. A. Coutinho, learned Counsel appearing for Respondent No.2 submitted before the Court that an injunction was granted against the Administrator from interfering in the land in that suit at the interim stage. That suit was dismissed for default in the year 1990.

3. The reliefs sought for by the Petitioner were basically to direct Respondent Nos.1 and 2 to take action against the said encroachment by enquiring into the matter and taking steps to recover the land. It has now been brought to the attention of this Court that the Communidade has filed a suit being Special Civil Suit No.102/02/A against Respondent No.3 herein. Mr. Sudin Usgaonkar, learned Counsel appearing for Respondent No.3 states that Respondent No.3 has been

served and has filed his written statement. That Respondent No.2 has thus already taken action against Respondent No.3 where the main relief sought is for an injunction, demarcation and deletion of the suit properties.

4. Considering the above, in our opinion, nothing further survives in the matter. In the light of that, Rule discharged. There shall be no order as to costs.

F. I. REBELLO, J

P. V. HARDAS,J.

RD.